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# Economic and Social Council

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**Committee for Programme and Coordination**
**Forty-second session**
10 June-5 July 2002
Agenda item 4 (c)
**Adoption of the report of the Committee on the work of its forty-second session**

## Draft report

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**Addendum**

## Programme questions: evaluation

*(Item 4 (c))*

### In-depth evaluation of legal affairs

1. At its 4th meeting, on 11 June 2002, the Committee considered the note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs (E/AC.51/2002/5).

2. The Under-Secretary-General for Internal Oversight Services introduced the report. The representative of the Secretary-General responded to the questions raised during the Committee's consideration of the report.

**Discussion**

3. The Committee expressed satisfaction with the overall good performance of the Office of Legal Affairs. The Committee noted the efforts made by the Office to improve the quality of its services and the timeliness of its reports and also noted the additional measures needed to consolidate those improvements.

4. The Committee noted that there were legal aspects that needed to be attended to in all sectors of the Organization. The view was expressed that the Office of Legal Affairs should be considered as a centre for expertise and resources available to other departments and offices through training and secondment of staff as needed. It was also felt that there was a need for consistent legal expertise both in the

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contractual administration at Headquarters and in the field, especially in peacekeeping operations. It was noted that the response time to requests for legal advice needed to be shorter in certain circumstances.

5. The remark was made that, with regard to paragraph 10 of the evaluation report, it was not appropriate to characterize the view of one participant as being expressed by a larger group or a majority of Member States.

6. The Committee appreciated the use of model agreements. It was noted that model agreements could not apply in all cases and that there was a need to amend standard texts in detail. The Committee supported the recommended establishment and maintenance of a reference collection of recent agreements and contracts, which would benefit Member States as well. Clarification was requested as to why the administrative instruction on the drafting of agreements with host countries had not been revised since 1987. Regarding the settlement of commercial claims made against the Organization, the view was expressed that it is important to consider conciliation before arbitration.

7. Coordination was pointed to as a concern due to the large number of organizations involved in legal affairs. The view was expressed that the main themes of the in-depth evaluation were the need for coordination and the increased workload of the Office of Legal Affairs, and that the Fifth Committee should be made aware of the situation. It was noted that there was an increasing need for coordination in international trade law and that the staff of the International Trade Law Branch of the Office of Legal Affairs had been kept at their 1968 level, which was a worrying fact.

8. The Committee was pleased with the steps taken to resolve the problem of backlog in the publication of treaty and other legal material and trusted that the matter was being kept under constant review to achieve the elimination of backlog within a specified time frame. It was noted that the responsibility for delays in issuance of reports and publications was to be attributed to the special rapporteurs of the International Law Commission and the translation and document processing units of the Secretariat. The view was expressed that a recommendation could have been made on the matter.

9. With regard to recommendation 10 (a), the view was expressed that the matter was not within the competence of the Office of Legal Affairs. Concern was also expressed with recommendation 10 (b), under which the Office of Legal Affairs would prepare background documents on legal issues for delegations. It was not believed that such activity would be an appropriate use of the limited resources of the Office. It was also pointed out that there were existing backlogs that the Office should address prior to deploying its research resources in new areas. It was felt that recommendation 10 (b) could be of great benefit to the Sixth Committee in providing necessary background information on legal aspects of the topics that were rarely covered by United Nations bodies.

10. Views were also expressed that support provided by the Office of Legal Affairs to other departments and offices, at their request, should be developed through such measures as training and outposting of legal officers, as recommended in the in-depth evaluation. It was also felt that more attention should be given to regional issues in the context of fellowship programmes in international law, as

recommended in the in-depth evaluation, and that the views of regional organizations should be sought.

11. It was furthermore mentioned that substantive evaluation of vendors' adherence to the basic values of the United Nations system should not be conducted by the Office of Legal Affairs, nor by legal advisers alone.

12. With respect to comments on legal topics requested from Member States, the view was expressed that the number of questionnaires sent to Member States exceeded their capacity to respond. In that regard, it was regretted that the evaluation report did not mention the recently adopted useful practice of addressing specific questions to Member States for discussion during the debate of each item in the Sixth Committee.

13. Delegations considered that the departmental web site should be improved, in particular with a view to providing full-text materials free of charge and a balance between languages.

14. The efforts that the Office of Legal Affairs had made towards gender parity were noted with appreciation.

**Conclusions and recommendations**

15. **The Committee recommended approval of recommendations 1 to 7, 9 and 11 to 20 of the in-depth evaluation.**

16. **The Committee highlighted the importance of the Office of Legal Affairs and of the central legal services, which might be needed in all areas of the Organization.**